

UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

FRED FELEKI MARTINEZ,  
  
Plaintiff,  
  
v.  
  
COYLE,  
  
Defendant.

No. 1:24-cv-0958 GSA (PC)  
  
ORDER DENYING PLAINTIFF'S MOTION  
FOR THE APPOINTMENT OF COUNSEL  
  
(ECF No. 10)

Plaintiff has requested the appointment of counsel. ECF No. 10. In support of it, Plaintiff asserts that he suffers from a severe mental illness which, at times, has required that he be sent to psychiatric facilities. Id. at 1. At times, Plaintiff contends, he is unaware of reality. Id. Plaintiff also attaches an Inmate Request for Assistance from Court form, which is signed by a prison employee. Id. at 2-3. Presumably, it has been attached to support his claim that he needs appointed counsel to pursue this case.

The United States Supreme Court has ruled that district courts lack authority to require counsel to represent indigent prisoners in § 1983 cases. Mallard v. United States Dist. Court, 490 U.S. 296, 298 (1989). In certain exceptional circumstances, the court may request the voluntary assistance of counsel pursuant to 28 U.S.C. § 1915(e)(1). Terrell v. Brewer, 935 F.2d 1015, 1017 (9th Cir. 1991); Wood v. Housewright, 900 F.2d 1332, 1335-36 (9th Cir. 1990). In the present

////

1 case, the court does not find the required exceptional circumstances. Plaintiff's request for the  
2 appointment of counsel will therefore be denied.

3 A review of Plaintiff's complaint indicates that he is able to present the facts of his case  
4 in a relatively clear manner. In addition, the kinds of documents that Plaintiff attached to his  
5 complaint (e.g., grievances and a decision on appeal) indicate that Plaintiff has a basic  
6 understanding of how to prosecute his case and support the arguments in it. For these reasons, no  
7 exceptional circumstances have been found here and the motion will be denied.

8 Accordingly, IT IS HEREBY ORDERED that Plaintiff's request for the appointment of  
9 counsel (ECF No. 10) is DENIED.

10  
11 IT IS SO ORDERED.

12  
13 Dated: January 23, 2025

/s/ Gary S. Austin  
UNITED STATES MAGISTRATE JUDGE